

**REMARKS****I. Introduction**

The Final Action:

Rejects claims 1 and 5 – 8 under 35 U.S.C. § 102(e);

Rejects claims 2 – 4 and 9 – 20 under 35 U.S.C. § 103(a).

Claims 1 – 20 remain pending in the present application and the Applicants respectfully ask the Examiner to withdraw the outstanding rejections in light of the following remarks.

**II. Rejections Under 102(e)**

In the Office Action dated January 28, 2004 (hereinafter “Previous Action”), claims 1 and 5–8 were rejected as anticipated by Babu et al., U.S. Patent No. 6,122,639 (hereinafter *Babu*). In our response, dated March 26, 2004 but re-filed on July 29, 2004, the Applicants explained that *Babu* did not anticipate claims 1 and 5-8 because *Babu*’s first step was to retrieve the device type from the device itself, making any later determining step unnecessary. The Final Action disagrees and contends:

[T]he device type is already known, as the device has returned an ID that defines it, but the type is not “known” to the querying device. By analogy, a bar code may identify a product in a store, but it’s identity is not revealed until the device is run through a scanner that matches that barcode to the actual item and its associated qualities, such as price.

Final Action at 2-3. The Applicants respectfully point out, however, that the “bar code” of the Final Acton’s analogy is an accepted identification of a product, and one that is capable of being “read” by devices other than the querying device. Similarly, the “SysObjID” retrieved by step 302 and used by the method of *Babu* is an accepted device identifying number. In both cases, whether or not the querying device has matched it to a set of features is not important; the number itself is a commonly understood method of uniquely identifying the device type. *See Babu* column 7 lines 54-56. The Applicants respectfully point out, however, that the invention of claim 1 does not need such a commonly understood identifier. In claim 1, “device information” is put through the remaining steps of claim 1, and it is from these steps the device type is determined.

The differences between the invention of claim 1 and *Babu* (and the bar code analogy) are more clearly understood by following the path of the Final Action's feature comparison.

Claim 1 includes the following:

retrieving device information from a device associated with said I/O path utilizing a device control protocol;  
 retrieving a property file defining a type of device;  
 executing code associated with said property file, wherein said code is operable to determine whether said device is said type of device utilizing in part said retrieved device information.

In its feature comparison, the Final Action points to Figure 3 of *Babu* and contends that the steps depicted there are the steps described by claim 1: "retrieving device information from a device associated with said I/O path utilizing a device control protocol" is equated with step 302 of *Babu* Figure 3; "retrieving a property file defining a type of device" is equated with step 310 of *Babu* Figure 3; and "executing code associated with said property file, wherein said code is operable to determine whether said device is said type of device utilizing in part said retrieved device information" is equated with step 314 of *Babu* Figure 3. The Applicants respectfully assert, however, that even if the step 302 of *Babu* Figure 3 could be equated with "retrieval of device information," and even if "retrieving a property file defining a type of device" is equated with step 310 of *Babu* Figure 3, the Final Action's feature comparison does not meet the remaining limitations of claim 1, because *Babu* does not execute code, associated with the information gathered from step 310, that uses the device information to identify the type of device that produced that information. Instead, *Babu* matches the information gathered in step 302, the SysObjID uniquely identifying the device type, with one of the SysObjID's listed in device type table 44. Therefore, even when the Final Action's feature comparison is followed, *Babu* does not perform each and every step of claim 1, and the Applicants respectfully ask the Examiner to withdraw the 35 U.S.C. § 102(e) rejection to claim 1.

Claim 7 includes:

means for defining a type of device;  
 means for obtaining device information associated with said I/O path; and  
 code operable to determine whether said device associated with said I/O path is said type of device utilizing in part said device information

obtained by said means for obtaining and information obtained from said means for defining.

In our Previous Response, the Applicants also explained that *Babu* did not teach every limitation of claim 7 because *Babu* do not determine the device type, but rather, merely extracted the device type directly from the device. The Final Action disagreed, and upheld the rejection of claim 7 forwarding the feature comparison detailed for claim 1. However, as with claim 1, the Applicants respectfully assert that *Babu* does not teach all of the limitations of claim 7, and respectfully suggest that a clearer understanding of the distinction between claim 7 and *Babu* can be found by following the path of the Final Action's feature comparison. The Final Action equates device information with the information gathered by step 302 in *Babu* Figure 3, and equates "information obtained from said means for defining" with the information gathered in step 310. However, if these classification are accepted, the remaining features of *Babu* can not meet the limitations of claim 7. Using these classifications, *Babu* "determine the device type" by using the "device information" (the SysObjID of step 302), rather than using code operable to determine whether said device associated with said I/O path is said type of device utilizing in part said device information obtained by said means for obtaining and information obtained from said means for defining. Thus, *Babu* does not teach all of the limitations of claim 7, and the Applicants respectfully ask the Examine to withdraw the 35 U.S.C. § 102(e) rejection to claim 7.

Claims 5 and 6 depend from claim 1 and claim 8 depends from claim 7. Each of claims 5, 6, and 8 inherit all of the limitations of its respective base claim., thus each includes limitations not taught by *Babu*. The Applicants, therefore, respectfully ask the Examiner to withdraw the rejections to claims 5, 6, and 8 as well.

### **III. Rejections Under 35 U.S.C. § 103(a)**

The Final Action also repeats the Previous Action's rejections regarding claims 2–4 and 9–20. Without conceding that the other requirements of M.P.E.P. § 2143 have been met, the Applicants again respectfully submit that the proposed combinations in the Final Action do not teach or suggest all the claim limitations in the rejected claims.

For Example, the Final Action rejects claims 2 and 3 as unpatentable over *Babu* alone, and rejects claim 4 as unpatentable over *Babu* in light of Allen et al., published U.S. Patent

Application No. 2002/0161852 (hereinafter *Allen*). But as dependants of claim 1, claims 2 – 4 inherit all of that claim’s limitations. As stated above, *Babu* does not teach all of the elements of claim 1, thus *Babu* does not teach every element of claims 2 – 4. As the rejections of claims 2 and 3 rely on *Babu* alone, the Applicants respectfully request that the Examiner withdraw those rejections. Further, because *Allen* does not appear to teach the absent limitations either, the Applicants also respectfully ask the Examiner to withdraw the rejection of claim 4.

The Final Action also rejects claim 9, contending that claim 9 is obvious in light of *Babu* alone. The Final Action responds to the Applicants’ explanation that *Babu* did not teach or suggest all of the limitations in claim 9 by forwarding the feature comparison described above with respect to claim 1. However, the Applicants respectfully suggest that following the feature path with respect to claim 9 lead to a clearer understanding of the distinctions between claim 9 and *Babu*.

Claim 9 includes:

- a plurality of data structures wherein each of said data structure respectively defines a type of device;
- code for removing a class identifier from each of said data structures, wherein said class identifier identifies a respective class;
- code for instantiating an object of said respective class of each class identifier; and
- code for calling a method of each instantiated object, wherein said method is operable to determine whether a device associated with said I/O path is the type of device defined by said data structure associated with said respective instantiated object of said method.

In our Previous Response, the Applicants pointed out that *Babu* did not teach “code for calling a method of each instantiated object, wherein said method is operable to determine whether a device associated with said I/O path is the type of device defined by said data structure associated with said respective instantiated object of said method,” but merely looked up the device type identifier in a device type table stored in the database. In order to perform this step, the system of *Babu* must already know what type the device is, because this is the information the system matches in database 44. Those steps, therefore, cannot be “operable to determine whether a device associated with said I/O path is the type of device

defined by said data structure,” because when *Babu* matches the SysObjID’s in database 44, *Babu* has already determined the device type.

The feature comparison forwarded by the Final Action in response to this argument, equates “determin[ing] whether a device associated with said I/O path is the type of device defined by said data structure associated with said respective instantiated object of said method” to *Babu*’s matching of the SysObjID (the information from step 302) with one of the SysObjID’s in database 44. When this classification of *Babu*’s features is used, however, the Applicants respectfully point that *Babu*’s remaining feature does not match those of claim 9. Specifically, *Babu* does not have “code for calling a method of each instantiated object, wherein said method is operable to determine whether a device associated with said I/O path is the type of device defined by said data structure associated with said respective instantiated object of said method [which the Examiner equates with step 310],” but rather determines the device type from the SysObjID, which the Final Action equates with step 302. Thus *Babu* does not teach or suggest every element of claim 9, and the Applicants respectfully ask the Examiner to withdraw the rejection.

Claims 10–13 depend directly or indirectly from claim 9, and thus inherit all of the limitations of claim 9. Because claims 10–13 each contain limitations not disclosed by *Babu*, the Applicants respectfully submit that claims 10–13 are patentable over *Babu*, and respectfully ask the Examiner to withdraw the rejection.

The Final Action also rejects of claim 14 as unpatentable over *Babu* alone, and also forwards the feature comparison associated with claim 1 in response to the Applicants explanation that that *Babu* does not teach a method for discovering a type of device that includes the step of “calling a method of each created object, wherein said method is operable to determine whether a device associated with said I/O path is the type of device described by the property file associated with the said object method.” However, the Applicants respectfully point out that if the feature comparison is followed, the features of *Babu* can not meet the remaining limitations of claim 14. The Final Action has equated “property files” with the information gathered by *Babu* in step 310. Claim 14, however, recites “retrieving a plurality of property files from a predefined subdirectory, wherein each property file of said plurality of property files describes a type of device.” The information from step 310 in *Babu*

can not meet this limitation. Thus, *Babu* does not teach or suggest all of the limitations of claim 14, and the Applicants respectfully ask the Examiner to withdraw the rejection to claim 14.

The Final Action rejects claims 15 and 17 as unpatentable over *Babu* alone, and claim 16 as unpatentable over *Babu* in light of *Allen*. However, as dependants of claim 14, claims 15–17 inherit all of the limitations of claim 14, and *Babu* does not teach all of the elements of claim 14. Therefore, the Applicants respectfully ask the Examiner to withdraw the rejection of claims 15 and 17. Further, because *Allen* does not appear to teach the absent limitations either, the Applicants also respectfully ask the Examiner to withdraw the rejection of claim 16.

The Final Action rejects claim 18 as unpatentable over *Babu* in light of *Allen*, and forwards the feature map associated with claim 1 in response to the Applicants explanation that the combination fails to teach

a management server process, wherein said management server process is operable to receive gathered device information from said plurality of host agent processes and from said SNMP manager process; and wherein said management server process is operable to call code identified by property files with gathered device information as arguments to thereby identify types of devices associated with I/O paths of said SAN.

However, the Applicants respectfully assert that the combination of *Babu* and *Allen* do not teach each and every limitation of claim 18, and respectfully suggest that the following the path of the feature map may lead to a clearer understanding of the distinctions. Claim 18 also recites:

a plurality of property files stored in a predefined directory, wherein each property file of said plurality of property files describes a type of device, and wherein each property file of said plurality of property files includes an identifier of code operable to determine whether a device associated with an I/O path is the type of device described by its associated property file

The Final Action equates “property files” with the information of step 310 in *Babu*. However, the information of step 310 does not meet the above limitation. Thus, the

combination of *Babu* and *Allen* does not teach or suggest all of the limitations of claim 18, and the Applicants respectfully ask the Examiner to withdraw the rejection to claim 18.

Claims 19 and 20 depend directly or indirectly from claim 18, and thus inherit all of the limitations of claim 18. Because claims 19 and 20 contain limitations not disclosed by *Babu* and *Allen*, the Applicants respectfully submit that claims 19 and 20 are patentable over *Babu* and *Allen*, and respectfully ask the Examiner to withdraw the rejection.

Although the motivation for combining the cited references has not been addressed, the Applicants do not concede that any of the combinations used in the Final Action are proper. The Applicants merely contend that the Examiner has yet make a prima facie case for rejecting any of the claims rejected under 35 U.S.C. § 103(a), and that any specific arguments regarding motivation would be premature.

In the rejections of claims 2 – 4, 9 – 12 , and 14 – 20, the Final Action repeats that various elements of the rejected claims are well known in the art and has provided several references in support of these contentions. The Applicants have not specifically addressed these issues, because the Examiner has not as yet made a prima facie showing of obviousness. The Applicants reserve the right to contest these issues in subsequent papers.

#### **IV. Conclusion**

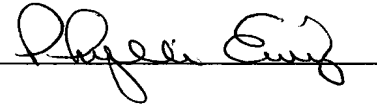
In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Applicants believe no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 08-2025, under Order No. 10004560-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV482735055US, in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date shown below.

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